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60TH CONGRESS, { HOUSE OF REPRESENTATIVES. } REPORT
2d Session. { No. 1865.

U. S. Congress. House. Committee on the Judiciary.

BOUNDARY LINE, ETC., BETWEEN MISSISSIPPI AND
LOUISIANA.

JANUARY 16, 1909.—Referred to the House Calendar and ordered to be printed.

Mr. FOSTER, of Indiana, from the Committee on the Judiciary, submitted the following

R E P O R T :

[To accompany H. J. Res. 232.]

The Committee on the Judiciary, having had under consideration the joint resolution (H. J. Res. 228) to enable the States of Mississippi and Louisiana to agree upon a boundary line and to determine the jurisdiction of crimes committed on the Mississippi River and adjacent territory, respectfully report in lieu of said resolution the following as a substitute:

That the consent of the Congress of the United States is hereby given to the States of Mississippi and Louisiana to enter into such agreement or compact as they may deem desirable or necessary, not in conflict with the Constitution of the United States or any law thereof, to fix the boundary line between said States where the Mississippi River now, or formerly, formed the said boundary line, and to cede, respectively, each to the other such tracts or parcels of the territory of each State as may have become separated from the main body thereof by changes in the course or channel of the Mississippi River, and also to adjudge and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of said States upon the waters of the Mississippi River.

Your committee recommend the passage of the substitute.

The reasons for the adoption of the resolution are briefly: The boundary line between the States of Mississippi and Louisiana as originally fixed was the Mississippi River. By this it is meant the thread or middle of that stream was the dividing line. The river along that reach which forms this boundary flows through an alluvial valley and is marked by a most tortuous course. Long bends, 10 and even 20 miles around and only 2 or 3 miles across are very frequent, and in times past when the annual floods would come the river would rush across these narrow necks with such force and volume that it would in many instances cut through the soft alluvium and thus establish a new and shorter channel and leave the long, narrow bend cut off from their original jurisdictions.

The old channel around the bend, thus abandoned, at first becomes a lake, but is soon filled by the deposit of silt, which is precipitated as soon as it reaches this still water, and in the course of a few years what was at first an island becomes a part of the mainland, and by this process numerous areas have become entirely separated from their original States and attached to the opposite shore. An illustration is presented at Vicksburg, Miss. It will be recalled by all that the river, formerly ran along the front of this historic city. In 1876 one of these cut-offs occurred by the river breaking through the narrow neck just below the city and leaving it on what was named "Centennial Lake." Within a few years the lake along the city front filled up and now a perfect wilderness stands high and dry where the gunboats floated or went down in 80 feet of water in 1863. There are many of these cut-offs, the effects of which have been to separate from their original jurisdictions numerous small tracts, until it has come to pass that the Mississippi River does not always mark the boundary line between these States. The inconvenience and undesirability of having these small areas far away from the scrutiny of their own peace officers and attached physically but not jurisdictionally to the other State is apparent and requires no elaboration.

This resolution gives the consent of the Congress, which may be necessary by the last clause of section 10, Article I, of the Constitution, and simply enables these States to restore the ancient boundary, the Mississippi River, by mutually ceding these areas which have been cut off, as above set forth.

The substitute also permits the States named to make such agreement or compact as may be necessary to enable them to exercise concurrent jurisdiction over offenses committed on this boundary stream, just as the States which are separated by the Ohio River were empowered to do by the original ordinance which ceded the Northwest Territory to the Union.

While it may be a debatable question as to whether or not the consent of the Congress is necessary, it has been deemed best to accede to the wishes of the States and give them consent to do what they apply for.

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